

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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ADRIAN WEATHERSPOON,	)	
	)	
Plaintiff,	)	
	)	No. 2:22-cv-02350-TLP-cgc
v.	)	
	)	
SHERYL H. LIPMAN, Judge and	)	
MEMPHIS TN SHERIFF DEPT,	)	
	)	
Defendant.	)	

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE**

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Pro se Plaintiff Adrian Weatherspoon filed several documents as a complaint against Defendants Sheryl H. Lipman and “Memphis TN Sheriff Dept.” (ECF No. 1.) Under Administrative Order 2013–05, the Court referred this case to Magistrate Judge Charmaine G. Claxton (Judge Claxton) for management of all pretrial matters. Judge Claxton filed a Report and Recommendation (R&R), granting Plaintiff’s motion to proceed *in forma pauperis*. Judge Claxton’s R&R also recommends that the Court dismiss Plaintiff’s complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(ii). The R&R, moreover, recommends that under 28 U.S.C. § 1915(a)(3), any appeal here by Plaintiff would not be taken in good faith, so Plaintiff may not proceed on appeal *in forma pauperis*.

A magistrate judge may submit to a district court judge proposed findings of fact and recommendations for the determination of certain pretrial matters, including dismissal of an action for failure to state a claim. 28 U.S.C. § 636(b)(1)(A)–(B). And “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific

written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1). If a party does not make such objections, then a district court reviews an R&R for clear error. Fed. R. Civ. P. 72(b) advisory committee notes. And the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

Like Judge Claxton, the Court finds that Plaintiff’s complaint does not assert an intelligible claim against any person or entity under any colorable legal theory. The documents filed by Plaintiff as his complaint appear to express his disagreement with a decision made by the U.S. Supreme Court, a decision made by Judge Sheryl Lipman, and actions taken by the Shelby County Sheriff’s Office. (ECF No. 1.) And yet Plaintiff’s filings fail to state a claim for relief sufficient to satisfy the Federal Rules of Civil Procedure. (*Id.*); *see also* Fed. R. Civ. P. 8(a)(2). This is true even under the less stringent standards applied by federal courts to pro se complaints. *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989); *see also Brown v. Matauszak*, 415 F. App’x 608, 613 (6th Cir. 2011). Also, Plaintiff has not objected to Judge Claxton’s R&R, and the deadline to do so has now passed.

The Court has reviewed the R&R for clear error and finds none. The Court therefore ADOPTS Judge Claxton’s R&R, and the case is DISMISSED. The Court also CERTIFIES that, under Federal Rule of Appellate Procedure 24(a), any appeal would not be taken in good faith.

**SO ORDERED**, this 29th day of August, 2022.

s/ Thomas L. Parker  
 THOMAS L. PARKER  
 UNITED STATES DISTRICT JUDGE